United States Bankruptcy Court Southern District of Texas

#### **ENTERED**

May 27, 2025 Nathan Ochsner, Clerk

# THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re:	§	
EDEE CDEECH CYCTEMC I I C	§	Case No. 22-60043
FREE SPEECH SYSTEMS LLC,	8 8	
Debtor.	§	
	§	
Neil Heslin and Scarlett Lewis,	§	
Plaintiffs,	§	
	§	
v.	§	Adv. No. 24-03228
	§	
Christopher R. Murray, Alex E.	§	
Jones Free Speech Systems, LLC,	§	
and Cadence Bank,	§	
Defendants.	§	

# STIPULATION AND AGREED ORDER REGARDING REMAND

WHEREAS, on June 21, 2024, Plaintiffs Neil Heslin ("Heslin") and Scarlett Lewis ("Lewis," together with Heslin, the "Plaintiffs") in the Texas state court action styled Neil Heslin and Scarlett Lewis v. Alex E. Jones and Free Speech Systems, LLC, Cause No. D-1-GN-18-001835 (the "Turnover Action"), obtained an order directing immediate turnover of all FSS assets (the "Turnover Order"). Pursuant to Texas state law, Plaintiffs filed an Application for Post-Judgment Writ of Garnishment to enforce the Turnover Order in the Texas state court action styled Neil Heslin and Scarlett Lewis v. Cadence Bank and Alex E. Jones and Free Speech Systems, LLC, Cause No. D-1-GN-003882 (the "Garnishment Action").

WHEREAS, on June 24, 2024, the Trustee removed the Garnishment Action to the United States Bankruptcy Court for the Western District of Texas ("WDTX Bankruptcy Court") under Adversary No. 1:24-ap-01035 (the "Garnishment Adversary").

WHEREAS, Plaintiffs sought and the Trustee opposed remand of the Garnishment Adversary to the state court from which it was removed.

WHEREAS, the WDTX Bankruptcy Court entered an order transferring the Garnishment Adversary to this Court, which was docketed as Adversary Proceeding No. 24-03228.

WHEREAS, at the time the Garnishment Adversary was transferred to this Court from the WDTX Bankruptcy Court, the parties had completed all briefing relating to remand and Plaintiffs' motion seeking remand remains pending before this Court.

WHEREAS, the Trustee believes that the circumstances have changed considerably since initially filing his opposition to remand of the Garnishment Adversary.

# NOW, THEREFORE, IT IS STIPULATED AND AGREED BY THE PARTIES HERETO AND UPON APPROVAL BY THE COURT OF THIS STIPULATION, IT IS SO ORDERED THAT:

- 1. The above recitals are incorporated by reference herein with the same force and effect as if fully set forth hereafter.
- 2. The Trustee's opposition to remanding the Garnishment Adversary to the state court from which is was removed is hereby withdrawn.
- 3. The Garnishment Adversary is remanded to the state court from which it was removed.
- 4. The Court retains exclusive jurisdiction over property of the Estate and any other property or interests under the control of the Trustee, including the 100% equity interest in FSS.
  - 5. The Court retains exclusive jurisdiction to direct, instruct, or supervise the Trustee.
- 6. Notwithstanding anything in the Bankruptcy Code or the Bankruptcy Rules to the contrary, this *Stipulation and Agreed Order* shall be effective immediately upon the Court's approval.

7. The Court has exclusive jurisdiction and power regarding the implementation, interpretation, and enforcement of this *Stipulation and Agreed Order*.

Dated: May 5, 2025.

IT IS SO ORDERED.

Signed: May 27, 2025

United States Bankruptcy Judge

#### AGREED AS TO FORM AND SUBSTANCE:

/s/ Erin E. Jones

Erin E. Jones (TX 24032478)

# JONES MURRAY LLP

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AND

Joshua W. Wolfshohl (TX 24038592)

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# /s/ Jennifer J. Hardy

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# **CO-COUNSEL TO THE TEXAS PLAINTIFFS**

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United States Bankruptcy Court Southern District of Texas

Heslin,

Plaintiff Adv. Proc. No. 24-03228-cml

Murray,

Defendant

# CERTIFICATE OF NOTICE

District/off: 0541-4 User: ADIuser Page 1 of 2 Form ID: pdf002 Total Noticed: 7 Date Rcvd: May 27, 2025

The following symbols are used throughout this certificate:

**Symbol Definition** 

Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 29, 2025:

Recip ID Recipient Name and Address

+ Mark D. Bankston, 1117 Herkimer Street, Houston, TX 77008-6745 aty

+ Vickie L. Driver, Elliott, Thomason & Gibson, LLP, 511 N. Akard, Ste 202, Dallas, TX 75201-6615 aty

Alexander E. Jones, xxxx xxxxxx, Austin, TX 78735 dft

+ Christopher Murray, 602 Sawyer St., Suite 400, Houston, TX 77007-7510 dft

+ Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 pla + Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 pla

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern

Standard Time.

Recip ID Notice Type: Email Address Date/Time **Recipient Name and Address** 

Email/Text: bankruptcy.dept@cadencebank.com

May 27 2025 22:09:00 Cadence Bank, Cadence Bank, P.O. Box 4360,

Tupelo, MS 38803-4360

TOTAL: 1

### BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Bypass Reason Name and Address Recip ID Free Speech Systems, LLC

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

# NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 29, 2025 Signature: /s/Gustava Winters

# CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 27, 2025 at the address(es) listed below:

**Email Address** Name

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District/off: 0541-4 User: ADIuser Page 2 of 2
Date Rcvd: May 27, 2025 Form ID: pdf002 Total Noticed: 7

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TOTAL: 13